

MESSAGE NO:	3258114	MESSAGE DATE:	09/15/1993
MESSAGE STATUS:	Active	CATEGORY:	Antidumping
TYPE:	OTH-Other	PUBLIC	<input checked="" type="checkbox"/>
SUB-TYPE:		NON-PUBLIC	<input type="checkbox"/>
FR CITE:	FR	FR CITE DATE:	
REFERENCE MESSAGE # (s):	3152111		
CASE #(s):	A-580-812		
EFFECTIVE DATE:		COURT CASE #:	
PERIOD OF REVIEW:		TO	
PERIOD COVERED:	05/10/1993	TO	

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING DUTY ORDER AND AMENDED FINAL DETERMINATION IN THE
INVESTIGATION OF DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS FROM
KOREA --CLARIFICATION OF INSTRUCTIONS

MESSAGE NO: 3258114

DATE: 09 15 1993

CATEGORY: ADA

TYPE: OTH

REFERENCE: 3152111

REFERENCE DATE: 06 04 1993

CASES: A - 580 - 812

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PERIOD COVERED: 05 10 1993 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS

DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: ANTIDUMPING DUTY ORDER AND AMENDED FINAL DETERMINATION
IN THE INVESTIGATION OF DYNAMIC RANDOM ACCESS MEMORY
SEMICONDUCTORS FROM KOREA --CLARIFICATION OF INSTRUCTIONS

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON MAY 10, 1993, THE NOTICE OF ITS ANTIDUMPING DUTY ORDER AND
AMENDED FINAL DETERMINATION THAT DYNAMIC RANDOM ACCESS MEMORY
SEMICONDUCTORS OF ONE MEGABIT AND ABOVE FROM THE REPUBLIC OF
KOREA ARE BEING, OR ARE LIKELY TO BE, SOLD IN THE UNITED
STATES AT LESS THAN FAIR MARKET VALUE. ON JUNE 4, 1993, THE
DEPARTMENT OF COMMERCE ADVISED THE CUSTOMS SERVICE ON
SITUATIONS REQUIRING A CASH DEPOSIT. MEANWHILE, THE

DEPARTMENT OF COMMERCE HAS RECEIVED REQUESTS FROM VARIOUS IMPORTERS ASKING FOR CLARIFICATION OF THE JUNE 4, 1993 E-MAIL INSTRUCTIONS TO CUSTOMS. THIS E-MAIL CLARIFIES THE DEPARTMENT OF COMMERCE E-MAIL DIRECTIVE OF JUNE 4, 1993.

2. IN OUR JUNE 4, 1993, E-MAIL TO CUSTOMS, ITEM 4, DIRECTS IMPORTERS/FILERS TO CONTACT THE DEPARTMENT FOR CASH DEPOSIT INSTRUCTIONS IF DIRECT IMPORTS OF MEMORY MODULES PLACED ON MOTHERBOARDS CONTAIN DRAMS FROM TWO OR MORE MANUFACTURERS. THE DEPARTMENT HAS MODIFIED THESE INSTRUCTIONS. FOR SITUATIONS WHEN DIRECT IMPORTS OF MEMORY MODULES PLACED ON MOTHERBOARDS CONTAIN DRAMS FROM TWO OR MORE MANUFACTURERS, CUSTOMS SHOULD APPLY THE SAME CRITERIA IN ESTIMATING CASH DEPOSITS AS IN THE CASE OF INDIRECT IMPORTS OF MEMORY MODULES, MEMORY BOARDS, OR REMOVABLE MEMORY MODULES. UNDER THE REVISED INSTRUCTIONS, IMPORTERS NO LONGER HAVE TO CONTACT THE DEPARTMENT FOR CASH DEPOSIT INSTRUCTIONS.

3. IN OUR JUNE 4, 1993 E-MAIL TO CUSTOMS, ITEMS 4,5,6,7, AND 8 ADVISE THAT IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY THE VARIOUS KOREAN DRAM MANUFACTURERS, THE HIGHEST PERCENTAGE MARGIN DEPOSIT CALCULATED FOR ANY COMPANY WILL BE APPLIED TO THE TOTAL ENTERED VALUE OF THE PRODUCT. THE DEPARTMENT IS SUPPLEMENTING THE CASH DEPOSIT INSTRUCTIONS TO ADDRESS THE POSSIBLE SITUATION IN WHICH THE IMPORTER CAN IDENTIFY THE NAMES OF THE INDIVIDUAL KOREAN DRAM MANUFACTURERS WHOSE CHIPS ARE INCLUDED IN THE SHIPMENT BUT CANNOT IDENTIFY THE AMOUNT OF MEGABITS ATTRIBUTABLE TO EACH MANUFACTURER. IN THIS CASE, THE HIGHEST PER MEGABIT DEPOSIT FOR ANY OF THE KOREAN COMPANIES WHOSE CHIPS ARE INCLUDED IN THE SHIPMENT SHOULD BE APPLIED TO THE TOTAL MEGABITS CONTAINED IN THE SHIPMENT.

4. THE SCOPE OF THIS INVESTIGATION DOES NOT INCLUDE DRAMS OR MEMORY MODULES THAT ARE REIMPORTED FOR REPAIR OR REPLACEMENT. IN THIS CASE, FOR NO SUSPENSION OF LIQUIDATION TO BE REQUIRED, AN OFFICIAL OF THE COMPANY IMPORTING THE MEMORY

BOARDS FOR REPAIR OR REPLACEMENT MUST CERTIFY THE FOLLOWING:

I, _____, HEREBY CERTIFY THAT I AM AN OFFICIAL OF (COMPANY IMPORTING MEMORY BOARDS), THAT I HAVE KNOWLEDGE OF THE FACTS REGARDING THE IMPORTATION OF THESE MEMORY BOARDS, AND THAT THESE BORADS WERE EXPORTED OUT OF THE UNITED STATES AND ARE NOW BEING REIMPORTED INTO THE UNITED STATES UNDER A PRE-EXISTING WARRANTY PROGRAM OF (COMPANY IMPORTING MEMORY BOARDS), FOR CUSTOMER RETURNS, RETURN OF DEFECTIVE PRODUCTS, OR RETURNED REPAIRS. I FURTHER CERTIFY THAT THESE MEMORY BOARDS ARE NOT INTENDED FOR SALE IN THE UNITED STATES.

AGENTS OF THE IMPORTER, SUCH AS BROKERS ARE NOT PERMITTED TO MAKE SUCH A CERTIFICATION. UNLESS THE COMPANY IMPORTING THE MEMORY BOARDS MAKES SUCH A CERTIFICATION, THE CUSTOMS SERVICE SHALL REQUIRE A PER MEGABIT DEPOSIT.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE REFERRED TO THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH, CUSTOMS HEADQUARTERS VIA E-MAIL ATTRIBUTE "HQ OAB". OTHER INTERESTED PARTIES SHOULD CONTACT AMER KAYANI, OFFICE OF ANTIDUMPING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-5346.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party